

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**DOCKET NO. 3:08-cv-431-FDW**

**HOME DESIGN SERVICES, INC.,**

**Plaintiff,**

**vs.**

**PERSIS-NOVA CONSTRUCTION, INC.**

**d/b/a P&N HOMES, INC., et al.,**

**Defendants.**

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**ORDER**

THIS MATTER comes now before the Court *sua sponte* to address Plaintiff's Motions for Summary Judgment (Doc. Nos. 35, 36). Pursuant to section 3(c)(ii) of the Court's Case Management Order, "memoranda of law in support of or in opposition to any dispositive motion shall not exceed **6,000** words." (Doc. No. 21.) Plaintiff's memoranda, although divided into two separate portions, are collectively outside this limit. The Court therefore exercises its inherent authority to order the following:

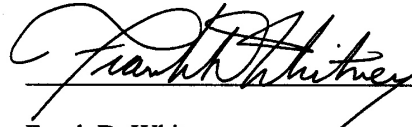
- (1) Plaintiff's memoranda are hereby STRICKEN.
- (2) Plaintiff shall file a complaint memorandum within **forty-eight (48) hours**.
- (3) Local counsel shall sign the compliant memorandum.
- (4) Both Plaintiff's attorney and local counsel shall sign a certification of word limit, certifying that the memorandum does not exceed **6,000 words**.

Should Plaintiff fail to file a compliant memorandum within forty-eight (48) hours, the Court will entirely disregard Plaintiff's second Motion for Summary Judgment (Doc. No. 36), focusing instead

on the issues found within Plaintiff's first Motion (Doc. No. 35).

IT IS SO ORDERED.

Signed: July 21, 2009

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
United States District Judge

